

Assisted Living Report Executive Summary

Background. In 1996, Assisted Living Programs were established in Maryland. After a long and contentious process, in January 1999, regulations were implemented. The regulations were a compromise between stakeholders that wanted little or no regulation and those that wanted strict regulation. Because of the various and differing positions on the new standards, the Department promised to conduct an evaluation of the assisted living program after sufficient experience had been gained. During the 2003 Legislative Session, several bills, again on both sides of the issue, were proposed. SB 553, required the Department, in consultation with stakeholders, to report back to the Legislature on certification of assisted living managers, differences between small and large providers, and the need for special standards for specialty units in assisted living programs.

To prepare the report, the Department consulted with providers, Department on Aging, Department of Human Resources, local government officials, Legal Aid and others. A workgroup was convened that met 9 times throughout the Interim. Information was also received directly from stakeholders. The Department's progress was posted on the OHCQ website at regular intervals. Based on the knowledge of the Department through its surveys, interactions with providers and consultation of the stakeholders, the Department makes the following recommendations:

- Include the following categories in the definition of Assisted Living
 - ✓ Adult Family Homes (1 to 4 beds in a private residence where the owner is also the primary caregiver)
 - ✓ Residential Care Homes (non-private residence up to 16 beds)
 - ✓ Assisted Living Programs (17+beds)

The latter two categories would continue licensure based on Level of Care of residents

- Awake overnight staff in all ALPs with 17+ beds
- Nursing presence for any ALP with 17+ beds that is licensed to care for nursing home eligible (Level 3) residents
- Revision of Assessment Tool to determine level of care
- Approval by the Department for a specialty unit such as an Alzheimer's or rehab unit within an assisted living program
- Strengthening of medication administration requirements by the Board of Nursing
- Certification of assisted living managers in ALPs (17+ beds)